IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

WRIT PETITION NO. 2582 OF 2004

Bhuwalka Steel Industries Ltd. Petitioner

vs.

1. Union of India & Anr. Respondents

Mr.Virag Tulzapurkar i/b. Mr.Aditya Chitale for the petitioner.

Mr.H.V.Mehta with Mr.M.I. Sethna and Mr.Y.R.Mishra i/b. Mr.T.C.Kaushik for the respondents.

CORAM : R.M.LODHA &
J.P. DEVADHAR,JJ.

DATED : 6th October 2004

P.C.

During the course of motion hearing, the learned counsel for the respondents submitted that the respondent no.2 intends to issue addendum to the show cause notice dated 19th December 2003. The learned counsel for the respondents was not averse to the consideration of the petitioner's application for settlement afresh by the Settlement Commission in the light aforesaid.

2. The learned counsel for the petitioner submitted that in case the respondent no.2 issues addendum to the show cause notice dated 19th December 2003, the petitioner may be given an opportunity for amendment of the application dated 20th January 2004 and the

Settlement Commission may reconsider the petitioner's application.

3. Having considered the submissions of the learned counsel for the parties, we are satisfied that the following order shall meet the ends of justice:

(i) The respondent no.2 shall issue addendum to the show cause notice dated 19th December 2003 within three weeks from today.

(ii) Upon such addendum being issued to the show cause notice dated 19th December 2003, the petitioner shall be at liberty to make fresh application before the Settlement Commission under Section 32-E of the Central Excise Act, 1944 or, if advised, may amend the application dated 20th January 2004.

(iii) The final order dated 21st June 2004 passed by the Settlement Commission (majority as well as minority) is rendered ineffective. The Settlement Commission shall reconsider afresh the application that may be made by the petitioner under Section 32-E after receipt of addendum to the show cause notice dated 19th December 2003 or the amended application dated 20th January 2004 in accordance with law uninfluenced by the earlier dated 21st

June 2004.

(iv) Needless to say that the petitioner shall be at liberty to apply for copy of the report dated 10th March 2004 forwarded by the Commissioner of Central Excise, Thane-I under Section 32 F(1) of the Central Excise Act, 1944 to the Settlement Commission.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)